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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/659,844	09/10/2003	George O. Diatzikis	RPS920030160US1	5538
45503	7590	06/09/2005		EXAMINER
DILLON & YUDELL LLP 8911 N. CAPITAL OF TEXAS HWY., SUITE 2110 AUSTIN, TX 78759			CHANG, YEAN HSI	
			ART UNIT	PAPER NUMBER
			2835	

DATE MAILED: 06/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	10/659,844	DIATZIKIS ET AL.
	<b>Examiner</b>	<b>Art Unit</b>
	Yean-Hsi Chang	2835

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM  
THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) Responsive to communication(s) filed on 10 September 2003.  
 2a) This action is FINAL.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) Claim(s) 1-21 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) 7-16 is/are allowed.  
 6) Claim(s) 1-6, 17, 18 and 20 is/are rejected.  
 7) Claim(s) 19 and 21 is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on 10 September 2003 is/are: a) accepted or b) objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>9/10/03</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|  | 6) <input type="checkbox"/> Other: _____                                    |

**DETAILED ACTION**

***Specification***

1. The disclosure is objected to because of the following informalities: When the aperture 17 is in a first configuration and has a first form factor, the first configuration supports a low profile AGP card 19 (fig. 7) as stated in the paragraph [0017], page 6, and the movable portion 33 of the bracket 11 is in a retracted position. However, in paragraph [0018], the movable portion 33 of the bracket 11 is in an extended position for covering the aperture 17 in the first form factor that is in contradiction with each other. So is the situation for the second form factor. Also, shown in figs. 8 and 10, card 21 is not a low profile AGP card, and shown in fig. 7, card 19 is not a full height AGP card as stated in [0018].

Appropriate correction is required.

***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:
- The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
3. Claim 7 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The bracket having its movable portion in an extended position would not cover the aperture in a first form factor if the first form factor of the aperture is for a low profile electronics card as stated in the specification.

***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-2 are rejected under 35 U.S.C. 102(b) as being anticipated by Mast (US 4,873,395).

Mast discloses in the specification a method of assembling components, comprising: providing a product (10, fig. 1) having an aperture (for example, 24) that is configurable in either a first configuration (24) or a second configuration (not labeled in fig. 1), the first and second configurations having different form factors (shown in fig. 1), configuring a bracket (26) to match one of the configurations such that the bracket has the form factor as the product, and mounting the configured bracket to the product such that the aperture is covered by the configured bracket (shown in fig. 1) (claim 1); and configuring the aperture and the bracket, respectively, to support either a low profile electronics card or a full height electronics card (20) (claim 2).

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6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. Claims 17-18 and 20 are rejected under 35 U.S.C. 102(e) as being anticipated by Mendoza (US 6,708,830).

Mendoza teaches a bracket (for example, 38, fig. 28) comprising: a base portion (262) and a movable portion (266) that is movable relative to the base portion between an extended position (on the left in fig. 28) such that the bracket is configured in a first form factor, and a retracted position (on the right in fig. 28) such that the bracket is configured in a second form factor, wherein, in the extended position, the movable portion is co-planar with the base portion and, in the retracted position, the movable portion is out of plane with respect to the base portion (claim 17); a first flange (268) on one end of the movable portion, and wherein an opposite end of the movable portion forms a second flange (272) for the base portion when the movable portion is in the retracted position (claim 18); and a retention feature (end portion of 272) on the bracket for retaining the movable portion in the retracted position (claim 20).

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8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 3-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mast in view of Mendoza.

Mast discloses the claimed method of invention except positioning a movable portion of the bracket relative to a base portion of the bracket, and folding the movable portion relative to the base portion.

Mendoza discloses a method of assembling components (fig. 28), comprising positioning a movable portion (266) of a bracket (38) relative to a base portion (262) of the bracket in a co-planar position relative to the base portion (shown on the left in fig. 28) in a first configuration, and folding the movable portion relative to the base portion out of plane with respect to the base portion (shown on the right in fig. 28) in a second configuration, and retaining the movable portion in the second configuration with a retention feature (272).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the method of assembling disclosed by Mast with the method taught by Mendoza for a movable portion of a bracket being positioned in a proper location.

***Allowable Subject Matter***

10. Claims 7-16 are allowed.
11. Claims 19 and 21 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
12. The following is a statement of reasons for the indication of allowable subject matter: The best prior art of record, Mast (US 4,873,395), and Mendoza (US 6,708,830), taken alone or in combination, fails to teach or fairly suggest a system for configuring a product, comprising: an enclosure having an aperture configurable with different form factors, and a plurality of electrical components mounted therein; and a bracket for covering the aperture, having a base portion and a movable portion that is movable relative to the base portion between an extended position to cover the aperture in a first form factor, and a retracted position to cover the aperture in a second form factor as set forth in claim 7; and a bracket having a base portion, a movable portion, and a hinge having an axis located between two ends of the movable portion as set forth in claim 19; and the bracket comprising a retention feature comprising a recess on the movable portion being engaged by a protrusion on the base portion as set forth in claim 21. Claims 8-16 are dependent claims from claim 7.

***Correspondence***

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13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yean-Hsi Chang whose telephone number is (571) 272-2038. The examiner can normally be reached on 07:30 - 16:00, Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the Art Unit phone number is (571) 272-2800, ext. 35. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-8558.

Yean-Hsi Chang  
Primary Examiner  
Art Unit: 2835  
June 7, 2005



YEAN-HSI CHANG  
PRIMARY EXAMINER